

Remarks/Arguments

In response to the Office Action dated January 16, 2004, Claims 65 to 93 have been cancelled and Claims 35 to 64 have been reinstated as renumbered claims 94-116 in the Listing of Claims enclosed herewith. Applicants wish to cancel claims 38, 40, 41, 47, 48, 62 and 64 and therefore these claims have not been reinstated. Care has been taken to avoid the introduction of new matter and basis for the amendments made is set out below. Favourable reconsideration of this application as now amended is respectfully solicited.

The cancellation of pending Claims 65 to 93 and the reinstatement and amendment of Claims 35-39, 42-46, 49-61 and 63 (renumbered Claims 94-97, 98-102, 103-115 and 116) , is believed to overcome the Examiner's objection that the amendment filed on 04/07/03 is non-responsive.

Amendments have been made to Claims 35-39, 42-46, 49-61 and 63 (renumbered Claims 94-97, 98-102, 103-115 and 116) to overcome the Examiner's objections set out in the Office Action of September 30, 2002, and the paragraph numbering below refers to that Office Action.

Paragraph 4:

Claims 40-49, 53, 55, 56, 59 and 60 are objected to under 37 CFR 1.75(c) as being in improper form.

The Examiner's objection is overcome by the amendments made herein to cancel claims 40, 41, 47 and 48 and to make Claims 42-46, 49, 53, 55, 56, 59 and 60 (renumbered Claims 98-102, 103, 107, 109, 110 and 114) singly dependent claims.

Paragraph 5:

Claim 64 is rejected under 35 USC 101.

The Examiner's objection is overcome by the amendment made herein to delete Claim 64, i.e. claim 64 has not been reinstated.

Paragraph 7:

Claims 35-39, 50-52, 54, 58, 63 and 64 are rejected under 35 USC 112 as being indefinite.

- A) The Examiner's objection to Claims 35 and 58 have been overcome by the deletion of the phrase "up to 5% lubricant by weight" from Claim 35 (renumbered claim 94) and the deletion of the phrase "up to 5% by weight" from Claim 58 (renumbered claim 112).
- B) The Examiner's first objection to Claim 39 (renumbered claim 97) has been overcome by amending the Claim to use the terminology "selected from the group consisting of".
- C) The Examiner's second objection to Claim 39 (renumbered claim 97) has been overcome by deleting the term "glycerine" from the claim.
- D) With regard to the Examiner's objection to the term "low molecular weight" in Claim 39 (renumbered claim 97), it is respectfully submitted that this term would be understood clearly by one skilled in the art.
- E) With regard to the Examiner's objection to the term "substantially without melting" in Claims 63 (renumbered claim 116) and 64 (not reinstated), the Examiner's objection is respectfully traversed since it is submitted that the term would be understood clearly by one skilled in the art and clearly differentiates over known methods of producing PVA compositions in which melting of the composition typically forms an important part of the process. The term "substantially" is required as there may be microscopic-scale melting in the mixing process.

F) The Examiner's objection to Claim 64 is overcome by the amendment made herein to delete Claim 64 (not reinstated).

Paragraph 10:

Claims 35-39, 50-52, 54, 57, 58 and 62-63 are rejected under 35 USC 102 (b or e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over IE 970,280, Gerontopoulos et al. (US 4,571,315), Weyand (US 4,724,121), Redd et al. (US 5,552,461), Loomis et al. (US 5,852,114) or Giltsoft (US 5,948,848).

The Examiner's objections are respectfully believed to be overcome by the amendments made herein.

Basis for the amendments to the claims in the application as filed is believed to be clear. For the avoidance of doubt, it is noted that basis for the amendments to Claim 35 (renumbered claim 94) can be found in original Claims 9 and 22 of applicant's corresponding International Application as filed PCT/GB99/02822 in combination with the third paragraph on Page 14 of that Application.

It is submitted that the amended claims are not anticipated by or obvious over IE 970,280, Gerontopoulos et al. (US 4,571,315), Weyand (US 4,724,121), Redd et al. (US 5,552,461), Loomis et al. (US 5,852,114) or Giltsoft (US 5,948,848).

None of the documents cited disclose examples of compositions with the specific combination of elements claimed in Independent Claims 35 or 50 (renumbered claims 94 and 104) and the compositions disclosed do not provide the advantages of the present invention, as set out below.

Gerontopoulos discloses a method of preparing pellets of a ceramic material. The ceramic material is contained within an aqueous solution and a gelling agent is used to produce the gel particles. However, the addition of PVA, lubricant, a filler and a plasticiser in the quantities specified in Claims 35 or 50 (renumbered claims 94 and 104) is not disclosed.

Weyand discloses a process comprising spray-drying a powder-containing slurry wherein a dominant component of the powder comprises a metal such as iron. Column 6 Lines 21 to 25 disclose the use of PVA as a binder, but binder is only disclosed as being present in the composition at a level of 1 to 2%. This would clearly result in a composition with totally different properties to a PVA-based composition and the advantages disclosed in the present application would not be provided. In particular, the composition disclosed in Weyand would not result in an extrudable polymer that retains the advantageous properties of PVA as set out on Page 1 of the present application.

Redd discloses a composition comprising a mixture of starch and polymer, however the polymer is disclosed as being present only in small amounts (for example see Column 1 Lines 30 to 35) hence the composition does not provide the advantage disclosed in the present application that the advantageous properties of the polymer are retained. In addition, the compositions disclosed in Redd do not contain an internal lubricant. Indeed, Redd teaches away from the addition of an internal lubricant to the composition, for example Column 3 Lines 60 to 62 discloses that it is essential that the lubricant is not pre-mixed with the starch. In addition, Column 3 Lines 64 to 67 disclose that the composition typically contains no more than 5% of additional components and preferably contains no more than 10% of additional

components, hence the document specifically teaches away from adding components such as a filler and a plasticiser in the quantities specified in the claims of the present application.

Loomis et al discloses a compound in which two types of polymer are required to be present in the compound to give the compound biodegradable properties. The use of plasticisers, fillers and lubricants in the compound is also disclosed, but the specific combination of elements in the specific proportions claimed is not disclosed as providing a particularly advantageous composition. Hence the compositions of the present application are not suggested by this document.

Giltsoff discloses examples of compounds that comprise PVA, around 10% plasticiser and around 5% stearamide, or other stabiliser. The compositions disclosed do not further comprise filler and lubricant elements, as required by Claim 35 or 50 (renumbered claims 94 and 104) of the present application.

In summary, the documents cited do not disclose or suggest the combination of components or the proportions in which the components are combined as claimed in the amended claims of the present application.

The dependent claims are not discussed in detail here but, for the avoidance of doubt, it is noted that the dependent claims add further novel and inventive features over the prior art.

Accordingly, it is submitted that the application as amended is now in condition for allowance. A Notice of Allowance is respectfully solicited.

Respectfully submitted,

  
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DATE: February 17, 2004